## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

DAVID SIMS	)	
	)	
Plaintiff,	)	
	)	
V.	)	Case No. 22-00717-CV-W-HFS
	)	
CITY OF KANSAS CITY, MISSOURI,	)	
	)	
Defendant.	)	

ORDER

Pro se plaintiff has again filed suit in this court alleging employment discrimination based on race and disability, and failure to promote.<sup>1</sup>

Defendant, City of Kansas City, Missouri, has filed a motion to quash plaintiff's complaint due to ineffective service. (Doc. 7). The City states that, in contravention of Mo. Rev. Civ. Pro. § 54.13, the summons was delivered to Koree Loya, an Administrative Secretary for the City Attorney's Office, who is not designated under § 54.13(b)(4) or Fed.R.Civ.P. 4 to receive service.

Plaintiff was previously given instructions on how to effect proper service and advised of his responsibility to familiarize himself with the Federal Rules of Civil Procedure and this court's local rules in prosecuting his case. (Case No. 22-96, Doc. 11, Order dated May 2, 2022). And, plaintiff has been given additional time in this case to properly effect service, and cautioned that the failure to do so would result in granting the City the requested relief. Notwithstanding

<sup>&</sup>lt;sup>1</sup> Plaintiff previously commenced an action in Case 22-96 alleging similar claims of race and disability discrimination as well as hostile work environment and failure to promote.

this admonition, plaintiff has now filed a notice of service indicating service on the City

Manager, Brian Platt, who is not designated to receive service (Doc. 18), and a notice of service

to an "unknown name". (Doc. 19). Although plaintiff has been afforded several opportunities,

his recent attempts again fail to comport with the Federal Rules of Civil Procedure.

Accordingly, defendant's motion to quash (Doc. 7) is GRANTED, and plaintiff's motion to

move the case forward (Doc. 17) is moot.

The Clerk of the Court is directed to mail a copy of this order by regular mail, and

certified mail return receipt to plaintiff at:

1401 NE 114<sup>th</sup> Street

Kansas City, Mo. 64155

SO ORDERED.

/s/ Howard F. Sachs

HOWARD F. SACHS

UNITED STATES DISTRICT JUDGE

Dated: March 24, 2023 Kansas City, Missouri